

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TZVI WEISS, <i>et. al.</i> ,	:	
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Plaintiffs,	:	CV 05-4622 (CPS) (KAM)
	:	
-against-	:	
	:	
	:	<b>ANSWER AND</b>
	:	<b><u>AFFIRMATIVE DEFENSES</u></b>
NATIONAL WESTMINSTER BANK, PLC,	:	
	:	
Defendant.	:	
	:	
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Defendant National Westminster Bank, PLC (“NatWest”) by its counsel, Cleary Gottlieb Steen & Hamilton LLP, as and for its Answer and Affirmative Defenses to the Second Amended Complaint (the “Complaint”), states as follows:

NATURE OF ACTION

1. Denies the allegations contained in paragraph 1 of the Complaint to the extent they involve matters of fact relating to NatWest, denies knowledge or information sufficient to form a belief as to the truth of such allegations as they pertain to other persons and states that the balance of paragraph 1 consists of conclusions of law to which no responsive pleading is necessary, except admits that NatWest is a financial institution headquartered in the United Kingdom.

JURISDICTION AND VENUE

2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Complaint, except admits that plaintiffs purport to base jurisdiction on the statutory provisions cited therein.

3. States that paragraph 3 of the Complaint consists of a legal conclusion as to which no responsive pleading is necessary.

4. Denies the allegations contained in paragraph 4 of the Complaint.

THE PARTIES

5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Complaint.

6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Complaint.

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Complaint to the extent they refer to matters of fact, and states that the balance of paragraph 7 consists of conclusions of law to which no responsive pleading is necessary.

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the Complaint.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of the Complaint.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of the Complaint.

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the Complaint.

12. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the Complaint.

13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the Complaint and the footnote thereto.

14. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the Complaint.

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24. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 24 of the Complaint and the footnote thereto.

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269. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 269 of the Complaint.

270. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 270 of the Complaint.

271. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 271 of the Complaint.

272. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 272 of the Complaint.

273. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 273 of the Complaint.

274. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 274 of the Complaint.

275. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 275 of the Complaint.

276. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 276 of the Complaint.

277. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 277 of the Complaint.

278. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 278 of the Complaint.

279. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 279 of the Complaint.

280. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 280 of the Complaint.

281. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 281 of the Complaint.

282. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 282 of the Complaint.

283. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 283 of the Complaint.

284. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 284 of the Complaint.

285. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 285 of the Complaint.

286. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 286 of the Complaint.

287. Denies the allegations contained in paragraph 287 of the Complaint; except admits that NatWest is a British financial institution with its principal place of business in London, United Kingdom, and avers that NatWest is a wholly-owned subsidiary of the Royal Bank of Scotland Group.

288. Denies the allegations contained in paragraph 288 of the Complaint.

289. Denies the allegations contained in paragraph 289 of the Complaint; except admits that NatWest was registered to conduct business within the State of Texas, avers that NatWest closed its Texas office on September 15, 2003, and refers the Court to the Texas state records for a true and accurate statement of their contents.

FACTUAL ALLEGATIONS

290. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 290 of the Complaint.

291. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 291 of the Complaint.

292. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 292 of the Complaint.

293. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 293 of the Complaint.

294. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 294 of the Complaint.

295. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 295 of the Complaint.

296. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 296 of the Complaint.

297. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 297 of the Complaint, to the extent they refer to matters of fact, and states that the balance of paragraph 297 consists of conclusions of law to which no responsive pleading is necessary.

298. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 298 of the Complaint, to the extent they refer to matters of fact, and states that the balance of paragraph 298 consists of conclusions of law to which no responsive pleading is necessary.

299. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 299 of the Complaint.

300. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 300 of the Complaint, to the extent they refer to matters of fact, and states that the balance of paragraph 300 consists of conclusions of law to which no responsive pleading is necessary.

301. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 301 of the Complaint, to the extent they refer to matters of fact, and states that the balance of paragraph 301 consists of conclusions of law to which no responsive pleading is necessary.

302. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 302 of the Complaint, to the extent they refer to matters of fact, and states that the balance of paragraph 302 consists of conclusions of law to which no responsive pleading is necessary.

303. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 303 of the Complaint.

304. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 304 of the Complaint.

305. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 305 of the Complaint and the footnote thereto.

306. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 306 of the Complaint.

307. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 307 of the Complaint.

308. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 308 of the Complaint.

309. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 309 of the Complaint, to the extent they refer to matters of fact, and states that the balance of paragraph 309 consists of conclusions of law to which no responsive pleading is necessary.

310. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 310 of the Complaint, except admits that Interpal has accounts at NatWest.

311. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 311 of the Complaint.

312. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 312 of the Complaint.

313. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 313 of the Complaint.

314. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 314 of the Complaint, except admits, upon information

and belief, that the U.S. government designated Interpal a Specially Designated Global Terrorist (“SDGT”) on or around August 22, 2003.

315. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 315 of the Complaint, except admits, upon information and belief, that the U.S. government designated Interpal an SDGT on or around August 22, 2003.

316. Denies the allegations contained in paragraph 316 of the Complaint.

317. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 317 of the Complaint.

318. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 318 of the Complaint, except is unable to admit or deny the allegations concerning Interpal’s account information on the grounds that the disclosure of facts responsive to those allegations is precluded by English bank customer secrecy laws, which are the subject of pending motion practice between the parties.

319. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 319 of the Complaint.

320. Denies the allegations contained in paragraph 320 of the Complaint concerning knowledge by NatWest of Yussuf al-Qaradawi’s connections to terrorism and Interpal, and denies having knowledge or information sufficient to form a belief as to the truth of the remaining allegations.

321. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 321 of the Complaint.

322. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 322 of the Complaint.

323. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 323 of the Complaint and the footnote thereto.

324. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 324 of the Complaint.

325. Denies the allegations contained paragraph 325 of the Complaint to the extent they pertain to NatWest, except admits that Interpal has accounts at NatWest, and denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 325.

326. Denies the allegations contained in paragraph 326 of the Complaint to the extent they pertain to NatWest, and denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 326.

327. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 327 of the Complaint.

328. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 328 of the Complaint.

329. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 329 of the Complaint.

330. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 330 of the Complaint.

331. Denies the allegations contained in paragraph 331 of the Complaint to the extent they pertain to NatWest, and denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 331.



332. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 332 of the Complaint.

333. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 333 of the Complaint.

334. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 334 of the Complaint.

335. Denies the allegations contained in paragraph 335 of the Complaint, except admits that Interpal had accounts at NatWest.

336. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 336 of the Complaint.

337. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 337 of the Complaint.

338. Admits the allegations contained paragraph 338 of the Complaint.

339. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 339 of the Complaint, except admits that Interpal had accounts at NatWest in 1996, avers that the U.K. Charity Commission froze Interpal's assets in March 1996, but ultimately concluded that Interpal's assets should be unfrozen in April 1996, and refers to the Charities Act 1993 for a true and accurate description of the Commission's powers and functions.

340. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 340 of the Complaint.

341. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 341 of the Complaint, except admits that Interpal had

accounts at NatWest in 1996, and avers that the U.K. Charity Commission froze Interpal's assets in March 1996, but ultimately concluded that Interpal's assets should be unfrozen in April 1996.

342. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 342 of the Complaint, except admits that Interpal had accounts at NatWest in 1996 and that the U.K. Charity Commission unfroze Interpal's accounts, and refers to the Charity Commission's May 30, 1996 report for a true and accurate statement of the Commission's findings.

343. In response to paragraph 343 of the Complaint, refers to the Charity Commission's May 30, 1996 report for a true and accurate statement of its contents.

344. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 344 of the Complaint, and refers to the Charity Commission's May 30, 1996 report for a true and accurate statement of its contents.

345. States that paragraph 345 of the Complaint consists of conclusions of law to which no responsive pleading is necessary.

346. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 346 of the Complaint to the extent they involve matters of fact, and states that the balance of paragraph 346 consists of conclusions of law to which no responsive pleading is necessary.

347. Denies the allegations contained in paragraph 347 of the Complaint to the extent they involve matters of fact that pertain to NatWest, denies knowledge or information sufficient to form a belief as to such allegations as they pertain to any other person, and states that to the extent paragraph 347 involves conclusions of law, no responsive pleading is necessary.

348. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 348 of the Complaint, except admits that Interpal had accounts at NatWest, and avers that the U.K. Charity Commission froze Interpal's assets in March 1996, but ultimately concluded that Interpal's assets should be unfrozen in April 1996.

349. Denies the allegations contained in paragraph 349 of the Complaint, except admits that Interpal has accounts at NatWest.

350. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 350 of the Complaint.

351. Denies the allegations contained in paragraph 351 of the complaint, except admits that Interpal has accounts at NatWest.

352. Denies the allegations contained in paragraph 352 of the Complaint to the extent they pertain to NatWest, and denies knowledge or information sufficient to form a belief as to the truth of such allegations as they pertain to any other person.

353. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 353 of the Complaint.

354. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 354 of the Complaint.

355. States that it is unable to admit or deny the truth of the allegations contained in paragraph 355 of the Complaint on the grounds that the disclosure of facts responsive to those allegations is precluded by English bank secrecy laws, which are the subject of pending motion practice between the parties.

356. States that it is unable to admit or deny the truth of the allegations contained in paragraph 356 of the Complaint on the grounds that the disclosure of facts

responsive to those allegations is precluded by English bank secrecy laws, which are the subject of pending motion practice between the parties.

357. States that it is unable to admit or deny the truth of the allegations contained in paragraph 357 of the Complaint on the grounds that the disclosure of facts responsive to those allegations is precluded by English bank secrecy laws, which are the subject of pending motion practice between the parties.

358. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 358 of the Complaint, except is unable to admit or deny allegations concerning the truth of the transfer of funds from Interpal's account on the grounds that the disclosure of facts responsive to those allegations is precluded by English bank secrecy laws, which are the subject of pending motion practice between the parties.

359. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 359 of the Complaint.

360. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 360 of the Complaint.

361. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 361 of the Complaint.

362. States that it is unable to admit or deny the truth of the allegations contained in paragraph 362 of the Complaint on the grounds that the disclosure of facts responsive to those allegations is precluded by English bank secrecy laws, which are the subject of pending motion practice between the parties.

363. States that it is unable to admit or deny the truth of the allegations contained in paragraph 363 of the Complaint on the grounds that the disclosure of facts

responsive to those allegations is precluded by English bank secrecy laws, which are the subject of pending motion practice between the parties.

364. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 364 of the Complaint.

365. States that it is unable to admit or deny the truth of the allegations concerning Interpal's transfers of funds from its accounts to the entities named in paragraph 365 of the Complaint on the grounds that the disclosure of facts responsive to those allegations is precluded by English bank secrecy laws, which are the subject of pending motion practice between the parties, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 365 of the Complaint.

366. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 366 of the Complaint, except is unable to admit or deny the truth of the allegations concerning transfers of funds into Interpal's account on the grounds that the disclosure of facts responsive to those allegations is precluded by English bank secrecy laws, which are the subject of pending motion practice between the parties, and affirmatively avers that NatWest has not accepted funds transfers from entities that it knows to have "terrorist connections."

367. States that it is unable to admit or deny the truth of the allegations contained in paragraph 367 of the Complaint on the grounds that the disclosure of facts responsive to those allegations is precluded by English bank secrecy laws, which are the subject of pending motion practice between the parties, and denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the footnote thereto.

368. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 368 of the Complaint.

369. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 369 of the Complaint to the extent they involve matters of fact, and states that to the extent they consist of conclusions of law, no responsive pleading is necessary.

370. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 370 of the Complaint to the extent they involve matters of fact, and states that to the extent they consist of conclusions of law, no responsive pleading is necessary.

371. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 371 of the Complaint to the extent they involve matters of fact, except admits, upon information and belief, that the Council of the European Union designated the Holy Land Foundation as a terrorist organization in December 2001, and states that to the extent they consist of conclusions of law, no responsive pleading is necessary.

372. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 372 of the Complaint to the extent they involve matters of fact, except admits, upon information and belief, that HAMAS and the Holy Land Foundation were named on the European Union's list of entities subject to financial sanctions, and states that to the extent they consist of conclusions of law, no responsive pleading is necessary.

373. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 373 of the Complaint.

374. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 374 of the Complaint to the extent they involve matters of fact, and states that to the extent they consist of conclusions of law, no responsive pleading is necessary.

375. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 375 of the Complaint to the extent they involve matters of fact, and states that to the extent they consist of conclusions of law, no responsive pleading is necessary.

376. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 376 of the Complaint.

377. States that it is unable to admit or deny the truth of the allegations contained in paragraph 377 of the Complaint on the grounds that the disclosure of facts responsive to those allegations is precluded by English bank secrecy laws, which are the subject of pending motion practice between the parties. NatWest denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the footnote thereto.

378. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 378 of the Complaint to the extent they involve matters of fact, and states that to the extent they consist of conclusions of law, no responsive pleading is necessary.

379. Denies the allegations contained in paragraph 379 of the Complaint; except admits that Interpal has accounts at NatWest, and avers that the U.K. Charity Commission froze Interpal's assets on August 26, 2003, but ultimately concluded that Interpal's assets should be unfrozen on September 24, 2003.

380. States that it is unable to admit or deny the truth of the allegations contained in paragraph 380 of the Complaint on the grounds that the disclosure of facts responsive to those allegations is precluded by English bank secrecy laws, which are the subject of pending motion practice between the parties.

381. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 381 of the Complaint.

382. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 382 of the Complaint.

383. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 383 of the Complaint.

384. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 384 of the Complaint.

385. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 385 of the Complaint.

386. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 386 of the Complaint to the extent they refer to matters of fact, and states that the balance of paragraph 386 consists of conclusions of law to which no responsive pleading is necessary.

387. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 387 of the Complaint.

388. Denies the allegations contained in paragraph 388 of the Complaint, except admits that Interpal has accounts at NatWest, affirmatively avers that the U.K. Charity Commission froze Interpal's assets on August 26, 2003, but ultimately concluded that Interpal's



assets should be unfrozen on September 24, 2003, and admits that Interpal thereafter continued to maintain such accounts.

389. Denies the knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 389 of the Complaint, except admits that Interpal had accounts at NatWest, and avers that the U.K. Charity Commission froze Interpal's assets on August 26, 2003, but ultimately concluded that Interpal's assets should be unfrozen on September 24, 2003, and admits that Interpal thereafter continued to maintain such accounts.

390. Denies the allegations contained in paragraph 390 of the Complaint.

391. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 391 of the Complaint.

392. Denies the allegations contained in paragraph 392 of the Complaint as they pertain to NatWest, except admits that Interpal has had accounts at NatWest, and denies knowledge or information sufficient to form a belief as to the truth of such allegations as they pertain to any other person.

393. States that it is unable to admit or deny the truth of the allegations contained in paragraph 393 of the Complaint on the grounds that the disclosure of facts responsive to those allegations is precluded by English bank secrecy laws, which are the subject of pending motion practice between the parties.

394. Denies the allegations contained in paragraph 394 of the Complaint.

395. Denies the allegations contained in paragraph 395 of the Complaint.

396. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 396 of the Complaint.

397. Denies the allegations contained in paragraph 397 of the Complaint.

398. Denies the allegations contained in paragraph 398 of the Complaint.

399. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 399 of the Complaint.

400. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 400 of the Complaint, except is unable to admit or deny the truth of the allegations contained in the first sentence of paragraph 400 of the Complaint to the extent they refer to a transaction by NatWest's customer Interpal on the grounds that the disclosure of facts responsive to those allegations is precluded by English bank secrecy laws, which are the subject of pending motion practice between the parties.

401. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 401 of the Complaint, to the extent they refer to matters of fact, and states that the balance of paragraph 401 consists of conclusions of law to which no responsive pleading is necessary.

402. States that it is unable to admit or deny the truth of the allegations contained in paragraph 402 of the Complaint on the grounds that the disclosure of facts responsive to those allegations is precluded by English bank secrecy laws, which are the subject of pending motion practice between the parties.

403. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 403 of the Complaint, except is unable to admit or deny the truth of the allegations contained in the first sentence of paragraph 403 of the Complaint on the grounds that the disclosure of facts responsive to those allegations is precluded by English bank secrecy laws, which are the subject of pending motion practice between the parties.

404. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 404 of the Complaint.

405. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 405 of the Complaint, to the extent they refer to matters of fact, and states that the balance of paragraph 405 consists of conclusions of law to which no responsive pleading is necessary.

406. Denies the allegations contained in paragraph 406 of the Complaint.

407. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 407 of the Complaint, except is unable to admit or deny the truth of the allegations concerning Interpal's account and transfers therefrom on the grounds that the disclosure of facts responsive to those allegations is precluded by English bank secrecy laws, which are the subject of pending motion practice between the parties.

408. States that paragraph 408 of the Complaint, which is a sentence fragment, consists of conclusions of law to which no responsive pleading is necessary.

409. States that paragraph 409 of the Complaint, which is a sentence fragment, consists of conclusions of law to which no responsive pleading is necessary.

410. Denies that the Financial Action Task Force defines and enforces legal norms, and states that the balance of paragraph 410 of the Complaint consists of conclusions of law to which no responsive pleading is necessary.

411. Upon information and belief, admits the allegations contained in paragraph 411 of the Complaint.

412. States that paragraph 412 of the Complaint consists of conclusions of law to which no responsive pleading is necessary.

413. States that paragraph 413 of the Complaint consists of conclusions of law to which no responsive pleading is necessary.

414. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 414 of the Complaint.

415. States that paragraph 415 of the Complaint consists of conclusions of law to which no responsive pleading is necessary.

416. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 416 of the Complaint, except, upon information and belief, admits that the FATF issued a report in April 2002, and refers to that report for a true and accurate statement of its contents.

417. To the extent that paragraph 417 of the Complaint quotes from the FATF report, refers to such report for a true and accurate statement of its contents, and states that paragraph 417 otherwise consists of conclusions of law to which no responsive pleading is necessary.

418. States that paragraph 418 of the Complaint consists of conclusions of law to which no responsive pleading is necessary.

419. Denies the allegations contained in paragraph 419 of the Complaint.

420. Denies the allegations contained in paragraph 420 of the Complaint, and refers to the July 16, 2002 press release by six U.K. banks, including Royal Bank of Scotland, for a true and accurate statement of its contents.

421. Denies the allegations contained in paragraph 421, avers that six U.K. banks, including Royal Bank of Scotland, issued a "Statement of Principles" on July 16, 2002, and refers to such Statement for a true and accurate statement of its contents.

422. Denies the allegations contained in paragraph 422 to the extent they purport to involve matters of fact, and states that to the extent paragraph 422 of the Complaint consists of conclusions of law, no responsive pleading is necessary.

423. States that paragraph 423 of the Complaint consists of conclusions of law to which no responsive pleading is necessary.

424. States that paragraph 424 of the Complaint consists of conclusions of law to which no responsive pleading is necessary.

425. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 425 of the Complaint.

426. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 426 of the Complaint.

#### FIRST CLAIM FOR RELIEF

427.-434. In response to paragraphs 427-434 of the Complaint, states that this claim has been dismissed by previous order of the Court, and that no responsive pleading to it is therefore required.

#### SECOND CLAIM FOR RELIEF

435. In response to paragraph 435 of the Complaint, reports and realleges through 434 hereof as if fully set forth herein.

436. Denies the allegations contained in paragraph 436 of the Complaint.

437. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 437 of the Complaint.

438. Denies the allegations contained in paragraph 438 of the Complaint.

439. Denies the allegations contained in paragraph 439 of the Complaint.

440. Denies the allegations contained in paragraph 440 of the Complaint.

...

441. Denies the allegations contained in paragraph 441 of the Complaint.

**THIRD CLAIM FOR RELIEF**

442. In response to paragraph 442 of the Complaint, reports and realleges through 441 hereof as if fully set forth herein.

443. Denies the allegations contained in paragraph 443 of the Complaint.

444. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 444 of the Complaint.

445. Denies the allegations contained in paragraph 445 of the Complaint.

**AFFIRMATIVE DEFENSES**

**First Affirmative Defense**

446. The Complaint fails to state a claim upon which relief can be granted.

**Second Affirmative Defense**

447. Plaintiffs' claims are barred, in whole or in part, by the intervening acts, wrongs, omissions and/or negligence of other individuals or entities.

**Third Affirmative Defense**

448. To the extent that plaintiffs have suffered damages, any such damages were not caused by any conduct of NatWest, but resulted in whole or in part from the conduct of plaintiffs and/or persons other than NatWest.

**Fourth Affirmative Defense**

449. There is no legal basis for Plaintiffs' requested relief of punitive damages, attorney's fees, and declaratory order.

**Fifth Affirmative Defense**

450. To the extent that plaintiffs have already recovered or will from other persons for the injuries alleged by them, they are barred from seeking duplicative recovery from NatWest.

**Additional Affirmative Defenses**

451. NatWest hereby gives notice that it intends to rely upon any other defense or defenses that may become available or appear during pretrial proceedings in this case and hereby reserves the right to amend this Answer and Affirmative Defenses to the Second Amended Complaint to plead and assert any such additional affirmative defenses as they become known and appropriate during the course of litigation.

Dated: New York, New York  
November 21, 2006

CLEARY GOTTlieb STEEN & HAMILTON LLP

By: \_\_\_\_\_

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